HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16 of 2007

Dated:03.01.2007

Between:

Erupaka Papi Reddy and others.

…Petitioners

and

The State of Andhra Pradesh and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16 of 2007

ORDER:

This Court by judgment, dated 07.12.2005, in W.P.No.14099 of 2003 and batch invalidated Section 22-A of the Registration Act, 1908, as incorporated into the Act by Andhra Pradesh Act No.4 of 1999 empowering the State Government to issue a notification prohibiting registration of lands in certain specified properties on the ground of public policy. The judgment was delivered by this Court following the ratio enunciated by the Supreme Court in **State of Rajasthan v. Basanth Nahata**[1].

The petitioners sought registration of sale deeds in respect of the properties in Survey Nos.116, 117, 123 and 155 situated at Mucharla Village and Gram Panchayat of Kandukur Mandal in Ranga Reddy District. These lands were included in a prohibitory order notified in G.O.Ms.No.238, dated 05.03.2004. The second respondent is refusing to register the sale deeds presented by the petitioners in view of the prohibitory orders issued in G.O.Ms.No.238.

This Court on 24.03.2006 allowed a Writ Petition, being W.P.No.5915 of 2006, which was filed questioning G.O.Ms.No.238, and observed as under.

> …Since Section 22-A, the legislative foundation for the exercise of the executive power of the State, is itself declared unconstitutional, G.O.Ms.No.238 must be considered as still born…

Following the above, this Writ Petition is allowed directing the second respondent to consider for registration, the documents/sale deeds presented by the petitioners even in respect of the lands in Survey
Nos.116, 117, 123 and 155 situated at Mucharla Village in accordance with law and ignoring G.O.Ms.No.238. No costs.

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(V.V.S.RAO, J)

03.01.2007
Note:Furnish Certified Copy in ten (10) days.
(B/o)
GJ

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[1] 2005 AIR SCW 4456